

2011 SEP 13 AM 10:26

CLERK U.S. DISTRICT COURT
CENTRAL DIST OF CALIF.
SANTA ANA

FILED

1 ROBBINS GELLER RUDMAN
& DOWD LLP
2 DARREN J. ROBBINS (168593)
DAVID C. WALTON (167268)
3 CATHERINE J. KOWALEWSKI (216665)
655 West Broadway, Suite 1900
4 San Diego, CA 92101
Telephone: 619/231-1058
5 619/231-7423 (fax)
darrenr@rgrdlaw.com
6 davew@rgrdlaw.com
katek@rgrdlaw.com

7 Attorneys for Plaintiff

8 [Additional counsel appear on signature page.]

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 SOUTHERN DIVISION

13 RICHARD GAMMEL, Individually and)
on Behalf of All Others Similarly
14 Situated,

15 Plaintiff,

16 vs.

17 HEWLETT-PACKARD COMPANY,
LEO APOTHEKER and CATHERINE
18 A. LESJAK,

19 Defendants.

VIA FAX

No. **SACV11-01404 AG (RNBx)**

CLASS ACTION

COMPLAINT FOR VIOLATION OF
THE FEDERAL SECURITIES LAWS

DEMAND FOR JURY TRIAL

20

21

22

23

24

25

26

27

28

JURISDICTION AND VENUE

1. Jurisdiction is conferred by §27 of the Securities Exchange Act of 1934 (“1934 Act”). The claims asserted herein arise under §§10(b) and 20(a) of the 1934 Act, 15 U.S.C. §§78j(b) and 78t(a), and U.S. Securities and Exchange Commission (“SEC”) Rule 10b-5, 17 C.F.R. §240.10b-5.

2. Venue is proper in this district pursuant to §27 of the 1934 Act. Many of the false and misleading statements were made in or issued from this district.

3. Hewlett-Packard Company has operations in this district, including maintaining offices at 2125 E. Katella Avenue, Anaheim, California 92806, and at 15355 Barranca Parkway, Irvine, California 92618. Certain of the acts and conduct complained of herein, including the dissemination of materially false and misleading information to the investing public, occurred in this district.

4. In connection with the acts alleged in this complaint, defendants, directly or indirectly, used the means and instrumentalities of interstate commerce, including, but not limited to, the mails, interstate telephone communications and the facilities of the national securities markets.

INTRODUCTION

5. This is a securities class action on behalf of all persons who purchased or otherwise acquired the common stock of Hewlett-Packard Company (“HP” or the “Company”) between November 22, 2010 and August 18, 2011, inclusive (the “Class Period”), against HP and certain of its officers and/or directors for violations of the 1934 Act.

6. HP is a provider of products, technologies, software, solutions and services to individual consumers, small- and medium-sized businesses and large enterprises, including customers in the government, health and education sectors.

7. During the Class Period, defendants issued materially false and misleading statements regarding the Company's business and financial results. As a

1 result of defendants' false statements, HP's stock traded at artificially inflated prices
 2 during the Class Period, reaching a high of \$48.99 per share on February 16, 2011.

3 8. HP is the leading provider of commercial and consumer personal
 4 computers ("PCs") through its Personal Services Group ("PSG") segment,
 5 commanding nearly 20% of the PC market worldwide. The PSG segment is HP's
 6 largest business segment from a revenue perspective, generating over 30% of HP's
 7 revenues. In July 2010, HP completed its acquisition of Palm Inc., a provider of
 8 smartphones powered by the Palm webOS mobile operating system, for \$1.2 billion.
 9 Palm was failing at the time of the acquisition. HP's primary motive for the
 10 acquisition was to purchase webOS and "to double down on webOS," with the Palm
 11 acquisition being portrayed as a game changing event.

12 9. During the Class Period, defendants highlighted HP's ownership of both
 13 hardware and software, which differentiated the Company from other high tech
 14 companies, as a defining aspect of the Company's value proposition, enabling the
 15 Company's business model to benefit from scale and leadership in its core businesses.
 16 Defendants further represented that webOS, HP's crown jewel from the Palm
 17 acquisition, was going to play an integral role in the Company's strategy going
 18 forward, including running on HP's new TouchPad tablet PC as well as on all of the
 19 Company's PCs by 2012. Defendants further reconfirmed the strategic importance of
 20 PCs to the Company.

21 10. On August 18, 2011, HP issued a press release announcing disappointing
 22 third quarter fiscal 2011 financial results, as well as a major change of direction for
 23 the Company.¹ The Company reported net earnings of \$1.9 billion, or \$0.93 diluted
 24 earnings per share ("EPS"), and net revenue of \$31.2 billion for the third quarter ended
 25 July 31, 2011. The Company additionally issued revised guidance for fiscal year
 26

27 ¹ HP's fiscal year ends October 31.
 28

1 2011, reducing its revenue guidance to a range of \$127.2 to \$127.6 billion, versus
2 previous guidance of \$129 to \$130 billion, and its diluted EPS guidance to a range of
3 \$3.59 to \$3.70 per share, versus previous guidance of at least \$4.27 per share.

4 11. HP further announced several major shifts in its long-term business
5 model. First, it was purchasing enterprise content management and search vendor
6 Autonomy Corporation plc for \$10.3 billion, agreeing to pay a 64% premium for the
7 company over its prior closing day price. Second, the Company announced it was
8 exploring strategic alternatives for its PSG segment, including potentially selling or
9 spinning off its profitable PC division. Third, the Company announced that it “will
10 discontinue operations for webOS devices, specifically the TouchPad and webOS
11 phones.”

12 12. As news began to leak into the market, on August 18, 2011, HP’s stock
13 declined \$1.88 per share, to close at \$29.51 per share, a one-day decline of nearly 6%
14 on volume of over 96 million shares. The next day, HP’s stock collapsed as the
15 market fully digested the news of the Company’s dismal results and outlook and the
16 serious changes in its strategic vision. On August 19, 2011, HP’s stock price
17 plummeted to its lowest level in 6 years, trading as low as \$22.75 per share before
18 closing at \$23.60. This represented a decline of \$5.91 per share, or 20%, on volume
19 of 129 million shares. This was the largest one-day decline in HP’s history since the
20 Black Monday stock market crash of October 1987.

21 13. On August 19, 2011, CRN published an article entitled “HP Partners
22 Startled by TouchPad’s Demise, Uncertain WebOS Future.” The article provided in
23 part:

24 Chris Barnes, vice president of research and solutions
25 development at Gap Intelligence, a San Diego-based research firm that
26 follows HP, wonders if the HP brass really believed the WebOS talking
27 points. “WebOS was such a linchpin of the company’s overarching
28 strategy; it was the virtual glue that tied together phones, PCs, tablets,

1 printers,” Barnes said. “It really makes you wonder whether HP’s senior
2 leadership ever really believed its own story about developing its own
3 self-supporting ecosystem, vis-a-vis Apple. *[It] sounds more like they*
4 *were dishing out the Kool-Aid but secretly drinking iced tea.”*

5 14. The true facts, which were known by the defendants but concealed from
6 the investing public during the Class Period, were as follows:

7 (a) HP’s business model was not working. The Company was unable
8 to leverage its extensive portfolio and scale of products and services in a strategically
9 beneficial manner.

10 (b) WebOS, the TouchPad and the PC business were not central to
11 HP’s business model and webOS would not be integrated across the Company’s entire
12 product line.

13 (c) The TouchPad hardware was inefficient, limiting the degree of
14 effectiveness of the webOS operating system. In fact, webOS operated twice as fast
15 when loaded onto Apple’s iPad 2 tablet compared to the TouchPad.

16 (d) Based on the foregoing, defendants lacked a reasonable basis for
17 their positive statements about HP’s turnaround, revenue growth rates, market share,
18 new product introductions, diluted EPS, and the Company’s ability to deliver upon its
19 long-term growth model.

20 15. As a result of defendants’ false statements, HP stock traded at artificially
21 inflated levels during the Class Period. However, after the above revelations seeped
22 into the market, the Company’s shares were hammered by massive sales, sending
23 them down 52% from their Class Period high.

24 PARTIES

25 16. Plaintiff Richard Gammel purchased the common stock of HP during the
26 Class Period as set forth in the attached certification and was damaged as the result of
27 defendants’ wrongdoing as alleged in this complaint.

28

1 17. Defendant HP is a provider of products, technologies, software, solutions
2 and services to individual consumers, small- and medium-sized businesses and large
3 enterprises, including customers in the government, health and education sectors.
4 HP's principal executive offices are located at 3000 Hanover Street, Palo Alto,
5 California 94304.

6 18. Defendant Léo Apotheker (“Apotheker”) is, and at all relevant times was,
7 the Company’s President, Chief Executive Officer (“CEO”) and a director.

8 19. Defendant Catherine A. Lesjak (“Lesjak”) is, and at all relevant times
9 was, the Company’s Chief Financial Officer (“CFO”) and Executive Vice President.
10 During the Class Period, Lesjak reaped over \$2.2 million in insider trader proceeds by
11 selling 51,518 shares of her HP stock at artificially inflated prices.

12 20. Defendants Apotheker and Lesjak (the “Individual Defendants”), because
13 of their positions with the Company, possessed the power and authority to control the
14 contents of HP’s quarterly reports, press releases and presentations to securities
15 analysts, money and portfolio managers and institutional investors, *i.e.*, the market.
16 They were provided with copies of the Company’s reports and press releases alleged
17 herein to be misleading prior to or shortly after their issuance and had the ability and
18 opportunity to prevent their issuance or cause them to be corrected. Because of their
19 positions with the Company, and their access to material non-public information
20 available to them but not to the public, the Individual Defendants knew that the
21 adverse facts specified herein had not been disclosed to and were being concealed
22 from the public and that the positive representations being made were then materially
23 false and misleading. The Individual Defendants are liable for the false statements
24 pleaded herein.

FRAUDULENT SCHEME AND COURSE OF BUSINESS

26 21. Defendants are liable for: (i) making false statements; or (ii) failing to
27 disclose adverse facts known to them about HP. Defendants' fraudulent scheme and
28 course of business that operated as a fraud or deceit on purchasers of HP common

1 stock was a success, as it: (i) deceived the investing public regarding HP's prospects
2 and business; (ii) artificially inflated the price of HP common stock; and (iii) caused
3 plaintiff and other members of the Class to purchase HP common stock at inflated
4 prices.

5 **BACKGROUND**

6 22. HP offers various products, technologies, software, solutions, and
7 services to individual consumers and small- and medium-sized businesses, as well as
8 to the government, health, and education sectors worldwide. The Company's Services
9 segment provides consulting, outsourcing, and technology services to infrastructure,
10 applications, and business process domains. Its Enterprise Storage and Servers
11 segment offers storage and server products. This segment provides industry standard
12 servers, business critical systems, and storage works offerings. The Company's HP
13 Software segment provides enterprise IT management solutions, information
14 management and business intelligence solutions, and communications and media
15 solutions. Its PSG segment offers commercial PCs, consumer PCs, workstations,
16 handheld computing devices, calculators and other related accessories, and software
17 and services for the commercial and consumer markets. The Company's Imaging and
18 Printing Group segment provides consumer and commercial printer hardware, printing
19 supplies, printing media, and scanning devices, such as inkjet and Web solutions,
20 laserjet and enterprise solutions, managed enterprise solutions, graphics solutions, and
21 printer supplies.

22 **DEFENDANTS' FALSE AND MISLEADING STATEMENTS ISSUED
23 DURING THE CLASS PERIOD**

24 23. On November 22, 2010, HP issued a press release announcing its fourth
25 quarter and fiscal year 2010 financial results. The Company reported net income of
26 \$2.5 billion, or \$1.10 diluted EPS, and net revenue of \$33.3 billion for the fourth fiscal
27 quarter ended October 31, 2010. Additionally, the Company reported fiscal year 2010
28 net revenue of \$126 billion. The Company provided guidance for its first quarter of

1 fiscal 2011 of revenue in the range of \$32.8 to \$33.0 billion and diluted EPS in the
2 range of \$1.06 to \$1.08 per share. The Company further provided guidance for the
3 full year fiscal 2011 of revenue in the range of \$132 to \$133.5 billion, and diluted EPS
4 in the range of \$4.42 to \$4.52 per share. The release stated in part:

5 “HP proved once again that it is able to execute given its market
6 strengths and technology leadership,” said Léo Apotheker, HP president
7 and chief executive officer. “I have seen firsthand that we have talented
8 people who are focused on delivering value for our customers. Our
9 market opportunity is vast, and I am confident that we will extend our
10 leadership into the future.”

11 24. After releasing its fourth quarter fiscal 2010 financial results on
12 November 22, 2010, HP hosted a conference call with investors, media representatives
13 and analysts, during which defendant Apotheker represented the following:

14 HP has many strengths, and it’s actually a formidable Company. To
15 name just a few of these strengths, I’d like to say the breadth of our
16 technology portfolio, our scale, our people, our customer relationships,
17 and our operational excellence. I do believe that our greatest strength is
18 actually our opportunities. ***Given our size and breadth, we have a
19 unique position in the market to expand, to do way more business in
20 emerging markets, to become more of a solution provider for our
21 customers, and to leverage our own technology better across the entire
22 Company.*** And you should bear in mind, that our technology trends are
23 morphing, and they are morphing rapidly.

24 We, at HP, have the opportunity to grow our leadership position.
25 We’re addressing the cloud in many ways, an example, converged
26 infrastructure, and we are addressing mobility with webOS. So all of
27 these are fantastic opportunities that we are looking at.

28 * * *

1 We are the only Company in this industry that is equally good on
2 the Consumer side, and on the Enterprise side. And if we manage, and
3 we will work very hard to do that, to leverage the rapid innovation cycle
4 that occurs on the Consumer side, basically the Enterprise, make it
5 (inaudible) more scalable, and then use that to our benefit, I think that
6 will give us an immense competitive advantage, which is one of the
7 reasons why we need to spend a little bit more money on R&D, and one
8 of the reasons why we need to invest into our sales force, so we can
9 bring all of this to bear, in a very effective way to the market. So net-
10 net, I'm very optimistic.

11 25. On February 9, 2011, *Bloomberg* issued an article entitled “HP Unveils
12 Palm-Based Tablet Computer, Smartphones,” which stated in part:

13 Hewlett-Packard Co. unveiled a tablet computer called the TouchPad in
14 a bid to gain a foothold in the market for handheld computers, and said
15 the product’s software, acquired in last year’s purchase of Palm Inc., will
16 run on personal computers this year.

17 HP, the world’s largest maker of PCs, showed off the TouchPad
18 and smartphones dubbed Veer and Pre 3 at an event in San Francisco
19 today. The company will deliver PCs and printers running WebOS,
20 originally designed for touch-screen devices, to attract more software
21 developers to the platform and expand HP’s market, Palm chief Jon
22 Rubinstein said in an interview.

23 “That’s going to have a huge influence on the installed base,”
24 Rubinstein said. “Our long-term goal is to deliver a connected
25 experience to all of our customers. You get a unified experience across
26 all your devices.”

27 26. On February 16, 2011, HP’s stock reached its Class Period high, closing
28 at \$48.99 per share.

1 27. On February 22, 2011, HP issued a press release announcing its first
2 fiscal quarter 2011 financial results. The Company reported net earnings of \$2.6
3 billion, or \$1.17 diluted EPS, and net revenue of \$32.3 billion for the first quarter
4 ended January 31, 2011. The Company provided guidance for its second quarter of
5 fiscal 2011 of revenue in the range of \$31.4 to \$31.6 billion, and diluted EPS in the
6 range of \$0.99 to \$1.01 per share. The Company further provided revised guidance
7 for fiscal 2011 of revenue in the range of \$130 to \$131.5 billion, and diluted EPS in
8 the range of \$4.46 to \$4.54 per share. The release stated in part:

9 “I’m pleased with our EPS and margin expansion during the
10 quarter. Going forward, we have the opportunity to further capitalize on
11 our customers’ demands for higher value-added solutions,” said Léo
12 Apotheker, HP president and chief executive officer. “HP has a
13 powerful portfolio, including exciting, recently announced cloud and
14 connectivity offerings. We are focused on leveraging these strengths to
15 extend our leadership and accelerate growth.”

16 28. After releasing its first quarter fiscal 2011 financial results on February
17 22, 2011, HP hosted a conference call with investors, media representatives and
18 analysts, during which defendants represented the following:

19 [LESJAK:] *[I]n terms of the guidance, there is no question that we are
20 being prudent and we’re remaining cautious about the environment
21 for consumer PCs.* There’s – I mentioned that earlier. In terms of the
22 second half of the year, the reason why you see better than normal
23 seasonality, half over half, is that we do expect to continue to recover,
24 that in PSG, especially in China. We also expect improvement in the
25 short-term signings based on the actions that we’re taking in the services
26 space. *And finally, in the second half of the year, we’ll also benefit
27 from the launch of our new webOS family of products.* And so I think
28 that, that just shows what happens in the second half.

1 * * *

2 [APOTHEKER:] Let me maybe add one comment to what
3 Cathie has said. *We have been looking very hard at our forecast and I*
4 *can just confirm that we are very confident in our ability to deliver the*
5 *updated fiscal year '11 outlook.* It's beyond the points that Cathie has
6 already made. We see strength in our other businesses and we have
7 scrubbed these numbers long and hard and we believe that these are the
8 right numbers.

9 29. On March 1, 2011, HP participated in a Morgan Stanley Technology,
10 Media & Telecom Conference, during which defendant Lesjak represented the
11 following:

12 *I think it's important for you all to understand that we have a lot*
13 *of confidence in our ability to deliver our outlook for fiscal 2011.* In
14 Q1 we grew revenue 4%. We grew earnings per share 27%. We grew
15 cash flow from operations 28%.

16 So we know how to manage this business in a variety of revenue
17 environments. And I think that's really important.

18 Our model's in tact, we've got the operational discipline to
19 continue to expand margins, operating margins kind of year over year. I
20 think that it's important when you think about the guidance we have
21 provided, we did take revenue down as you know \$2 billion for the fiscal
22 year.

23 Again, it's roughly three quarters from PSG and about a quarter
24 from services. *Frankly if we didn't have confidence in that revenue,*
25 *we would've taken revenue down further.* The difference to you all of
26 \$2 billion or \$2.5 billion is just not meaningful. So at the end of the day,
27 *we have the confidence in the revenue outlook we provided.*

28

1 30. On March 14, 2011, HP hosted an analyst conference call wherein
2 defendant Apotheker represented the following:

3 At HP, our vision is to provide seamless, secure, context-aware
4 experiences for a connected world, everybody on. For those who know
5 me, my passion is using technology to help customers succeed. The
6 primary reason I came to HP is that I recognized a remarkable
7 opportunity for this company to shape the future of information
8 technology and deliver unprecedented value for our customers.

* * *

10 *We have the industry's best and broadest portfolio, spanning*
11 *servers, networking, storage, software, outsourcing, application, and*
12 *consulting services, desktops, notebooks, tablets, and printers and I'm*
13 *not even being exhaustive.* We have market leadership in virtually
14 every category where we compete in from the consumer to the
15 enterprise. Our reach and scale are unmatched and we leverage it with
16 the products we ship and the companies we acquire; 3Com and 3PAR are
17 great examples, and HP is one of the world's most powerful brands with
18 a reputation that opens doors in any market around the world.

19 Together, these efforts add up to an incredible opportunity for HP
20 and a compelling value proposition for our customers, shareholders, and
21 employees. Yes, HP is strong, but we also recognize that the world
22 around us is changing faster than ever. Powerful trends, like
23 consumerization, cloud computing, and connectivity are redefining the
24 way people live, businesses operate, and the way the world works.
25 There is an expanding relationship between people and information.
26 Your paradigm of one person with separate consumer and professional
27 lives is over. People want a seamless, secure, context-aware experience
28 at home, at work, at play, or on the road.

1 * * *

2 And as you move up to devices, we're also extremely powerful.
3 HP ships two PCs and two printers a second. ***Our number one market***
4 ***position in printers, desktops and notebooks gives us an enormous***
5 ***installed base which continues to grow. The fact is people like working***
6 ***on PCs and that isn't going to go away.*** And people like and people
7 need to print, just look at the fast-growing geographies, like Brazil, as
8 they come online and join the connected world, they can jump into any
9 form factor and they do, including PCs and printers. They are in fact the
10 fastest growing market for our connected devices so far.

11 ***So, traditional technology is something we know, where we***
12 ***compete and win, where we know how to partner, where we create a lot***
13 ***of value and we will continue to enhance our core capabilities to***
14 ***strengthen our positions.*** And all of this is of course important, it is the
15 core of our business, but just as important is how our assets, our current
16 assets position us for the future of technology to deliver the seamless,
17 secure, context-aware experiences for the connected world. Because,
18 just as the forces of cloud and connectivity are changing the model for
19 people's relationships to information, beneath that is a changing model
20 of technology, architecture, delivery and consumption.

21 31. Also on March 14, 2011, HP hosted a press conference for media
22 representatives during which defendant Apotheker represented the following:

23 So ***webOS is an unbelievably attractive and stunning technology.***
24 The devices we have been able to put on display on February 9 have in
25 themselves a certain set of characteristics that make them unique. ***There***
26 ***is interconnectivity, the fact that they are seamless, they connect***
27 ***seamlessly to each other, and some of the other technology features of***
28 ***webOS make it into an outstanding web operating system.***

1 *So we will be shipping this, first of all, on the dedicated devices,*
2 *smartphones and the tablet.* The Touch, our tablet, will come out – the
3 Touch pad will come out in June and from that day onwards there will be
4 wave after wave of technology coming out to support the webOS
5 platform.

6 There will be a beta version for webOS running on a browser on
7 PCs available at the end of the year and you will see us putting webOS
8 on the (inaudible) technology on PCs, on Windows PCs I should add,
9 starting from that point onwards. And we hope to reach 100 million
10 devices a year.

11 *We will put the same technology on our printers. We will put*
12 *them on PCs. We will put them on touch pads. We will put them on*
13 *smartphones so you will see this to become a very massive, very broad*
14 *platform.*

15 32. On May 17, 2011, HP issued a press release announcing its second
16 quarter fiscal 2011 financial results. The Company reported net earnings of \$2.3
17 billion, or \$1.05 diluted EPS, and net revenue of \$31.6 billion for the second quarter
18 ended April 30, 2011. The Company provided guidance for its third quarter of fiscal
19 2011 of revenue in the range of \$31.1 to \$31.3 billion, and diluted EPS in the range of
20 approximately \$0.90 per share. The Company further provided revised guidance for
21 fiscal 2011 of revenue in the range of \$129 to \$130 billion, and diluted EPS in the
22 range of at least \$4.27 per share. The release stated in part:

23 “HP executed well and delivered a solid quarter,” said Léo
24 Apotheker, HP president and chief executive officer. “Our enterprise
25 strategy, with services at its core, is focused on higher value-added
26 solutions. Today we are accelerating our efforts to align our services
27 business model to our long-term strategy to deliver unprecedented value
28 to our customers and a better return for our shareholders.”

1 33. After releasing its second quarter fiscal 2011 financial results on May 17,
2 2011, HP hosted a conference call with investors, media representatives and analysts,
3 during which defendant Apotheker represented the following:

4 [ANALYST:] Leo, you talked in your opening remarks about
5 companies that will fail because they protect legacy businesses. And
6 with two guidance resets in a row, is it time, in your view, for HP to
7 reconsider whether you really need to participate in some of the
8 businesses that are dragging down performance? Or do you think you
9 can invest fast enough in new growth segments to offset declines that we
10 are seeing like in PCs right now?

11 ... [APOTHEKER:] At HP, we do a high (inaudible) portfolio
12 review to assess the performance of each one of our businesses. We
13 assess these businesses according to their contribution to the business
14 and their contribution to our strategy and the value it can generate to our
15 customers.

16 It's interesting that you point out PCs. If you look at the
17 performance of PCs, it has a two-phased approach and a two-phased
18 execution. *On the one hand, on the commercial side, we see a*
19 *continuous demand for PCs, 12% growth.* Again, we are the market
20 leader in this business. And we see some weakness on the consumer
21 side.

22 We believe that we have a great strategy to execute towards our
23 connectivity approach, and we are very excited about our TouchPads
24 coming out in particular in the summer. *And as we all believe that there*
25 *will be a convergence of these different form factors over time –*
26 *TouchPads, PCs, et cetera, and in particular, notebooks – we believe*
27 *this is a great opportunity for HP to participate in this.* Of course we
28 will continue to assess the value of each element in the portfolio as we

1 continue to look at our business, but right now, I believe we have a
2 balanced portfolio.

3 34. On June 2, 2011, HP participated at a Sanford C. Bernstein & Co.
4 Strategic Decisions Conference, wherein defendant Apotheker represented the
5 following:

6 [APOTHEKER:] So the good news on the PC business is the
7 commercial side of the house, or the non-consumer side. That business
8 is growing double-digit, continues to grow double-digit, is doing really
9 well.

10 * * *

11 We see some trends affecting the PC business. Some people talk
12 about the tablet effect. Some other people are talking about the
13 economic impact. I think both are a little bit impacting the consumer. I
14 believe, over time, there are some really interesting opportunities that are
15 opening up that didn't exist in the PC business in the past, which is to
16 create, again, innovation in the PC industry.

17 * * *

18 *The other thing we are doing really well on the PSG side of the*
19 *house is webOS. So webOS is ready for prime time. It's now out on a*
20 *small phone, the Veer. And it will be out on the format of the tablet by*
21 *the end of June/early July. And it will go into distribution then. We*
22 *are all about webOS.* We are more than about this with the other form
23 factor. And I am happy to reconfirm that webOS will be available on
24 PCs, on top of Windows, which creates a whole new market dynamic for

25 [ANALYST:] Do you have a date for that? webOS on the PC?

26 [APOTHEKER:] *2012.* I know there are 12 months in 2012,
27 even in Germany. *And then we have – and we are going to put webOS*
28 *also on printers. So we can create the kind of a platform of about 100*

million, 110 million devices a year. And by the way, we won't shy away from licensing webOS to others if that opportunity arises.

3 35. On August 17, 2011, HP's stock closed at \$31.39 per share.

4 36. Then, on August 18, 2011, HP issued a press release announcing
5 disappointing third quarter fiscal 2011 financial results, as well as a major change of
6 direction for the Company. The Company reported net earnings of \$1.9 billion, or
7 \$0.93 diluted EPS, and net revenue of \$31.2 billion for the third quarter ended July 31,
8 2011. The Company additionally issued revised guidance for fiscal year 2011, once
9 again reducing its revenue guidance, this time to a range of \$127.2 to \$127.6 billion,
10 versus previous guidance of \$129 to \$130 billion, and its diluted EPS guidance to a
11 range of \$3.59 to \$3.70 per share, versus previous guidance of at least \$4.27 per share.
12 HP further announced several important shifts in its long-term business model. First,
13 it was purchasing enterprise content management and search vendor Autonomy
14 Corporation for \$10.3 billion, agreeing to pay a 64% premium for the company over
15 its prior closing day price. Second, the Company announced it was exploring strategic
16 alternatives for its PSG segment, including potentially selling or spinning off its
17 profitable PC division. Third, the Company announced that it “will discontinue
18 operations for webOS devices, specifically the TouchPad and webOS phones.”

19 37. As news began to leak into the market, on August 18, 2011, HP's stock
20 declined \$1.88 per share, to close at \$29.51 per share, a one-day decline of nearly 6%
21 on volume of over 96 million shares. The next day, HP's stock collapsed as the
22 market fully digested the news of the Company's dismal results and outlook and the
23 serious changes in its strategic vision. On August 19, 2011, HP's stock price
24 plummeted to its lowest level in 6 years, trading as low as \$22.75 per share before
25 closing at \$23.60. This represented a decline of \$5.91 per share, or 20%, on volume
26 of 129 million shares. This was the largest one-day decline in HP's history since the
27 Black Monday stock market crash of October 1987.

1 38. On August 19, 2011, CRN issued an article entitled “HP Partners Startled
2 by TouchPad’s Demise, Uncertain WebOS Future.” The article provided in part:

3 Chris Barnes, vice president of research and solutions
4 development at Gap Intelligence, a San Diego-based research firm that
5 follows HP, wonders if the HP brass really believed the WebOS talking
6 points. “WebOS was such a linchpin of the company’s overarching
7 strategy; it was the virtual glue that tied together phones, PCs, tablets,
8 printers,” Barnes said. “It really makes you wonder whether HP’s senior
9 leadership ever really believed its own story about developing its own
10 self-supporting ecosystem, vis-a-vis Apple. *[It] sounds more like they
11 were dishing out the Kool-Aid but secretly drinking iced tea.*”

12 39. The true facts, which were known by the defendants but concealed from
13 the investing public during the Class Period, were as follows:

14 (a) HP’s business model was not working. The Company was unable
15 to leverage its extensive portfolio and scale of products and services in a strategically
16 beneficial manner.

17 (b) WebOS, the TouchPad and the PC business were not central to
18 HP’s business model and webOS would not be integrated across the Company’s entire
19 product line.

20 (c) The TouchPad hardware was inefficient, limiting the degree of
21 effectiveness of the webOS operating system. In fact, webOS operated twice as fast
22 when loaded onto Apple’s iPad 2 tablet compared to the TouchPad.

23 (d) Based on the foregoing, defendants lacked a reasonable basis for
24 their positive statements about HP’s turnaround, revenue growth rates, market share,
25 new product introductions, diluted EPS, and the Company’s ability to deliver upon its
26 long-term growth model.

27 40. As a result of defendants’ false statements, HP stock traded at artificially
28 inflated levels during the Class Period. However, after the above revelations seeped

1 into the market, the Company's shares were hammered by massive sales, sending
2 them down 52% from their Class Period high.

3 **LOSS CAUSATION**

4 41. During the Class Period, as detailed herein, the defendants made false
5 and misleading statements and engaged in a scheme to deceive the market and a
6 course of conduct that artificially inflated the price of HP common stock and operated
7 as a fraud or deceit on Class Period purchasers of HP common stock by
8 misrepresenting the Company's business and prospects. Later, when the defendants'
9 prior misrepresentations and fraudulent conduct became apparent to the market, the
10 price of HP common stock fell precipitously, as the prior artificial inflation came out
11 of the price over time. As a result of their purchases of HP common stock during the
12 Class Period, plaintiff and other members of the Class suffered economic loss, *i.e.*,
13 damages, under the federal securities laws.

14 **NO SAFE HARBOR**

15 42. HP's verbal "Safe Harbor" warnings accompanying its oral forward-
16 looking statements ("FLS") issued during the Class Period were ineffective to shield
17 those statements from liability.

18 43. The defendants are also liable for any false or misleading FLS pleaded
19 because, at the time each FLS was made, the speaker knew the FLS was false or
20 misleading and the FLS was authorized and/or approved by an executive officer of HP
21 who knew that the FLS was false. None of the historic or present tense statements
22 made by defendants were assumptions underlying or relating to any plan, projection or
23 statement of future economic performance, as they were not stated to be such
24 assumptions underlying or relating to any projection or statement of future economic
25 performance when made, nor were any of the projections or forecasts made by
26 defendants expressly related to or stated to be dependent on those historic or present
27 tense statements when made.

28

CLASS ACTION ALLEGATIONS

2 44. Plaintiff brings this action as a class action pursuant to Rule 23 of the
3 Federal Rules of Civil Procedure on behalf of all persons who purchased or otherwise
4 acquired HP common stock during the Class Period (the “Class”). Excluded from the
5 Class are defendants and their families, the officers and directors of the Company, at
6 all relevant times, members of their immediate families and their legal representatives,
7 heirs, successors or assigns and any entity in which defendants have or had a
8 controlling interest.

9 45. The members of the Class are so numerous that joinder of all members is
10 impracticable. The disposition of their claims in a class action will provide substantial
11 benefits to the parties and the Court. HP has over 2 billion shares of stock
12 outstanding, owned by hundreds if not thousands of persons.

13 46. There is a well-defined community of interest in the questions of law and
14 fact involved in this case. Questions of law and fact common to the members of the
15 Class which predominate over questions which may affect individual Class members
16 include:

17 (a) whether the 1934 Act was violated by defendants;
18 (b) whether defendants omitted and/or misrepresented material facts;
19 (c) whether defendants' statements omitted material facts necessary to
20 make the statements made, in light of the circumstances under which they were made,
21 not misleading;
22 (d) whether defendants knew or deliberately disregarded that their
23 statements were false and misleading;
24 (e) whether the price of HP common stock was artificially inflated;
25 and
26 (f) the extent of damage sustained by Class members and the
27 appropriate measure of damages.

47. Plaintiff's claims are typical of those of the Class because plaintiff and the Class sustained damages from defendants' wrongful conduct.

48. Plaintiff will adequately protect the interests of the Class and has retained counsel who are experienced in class action securities litigation. Plaintiff has no interests which conflict with those of the Class.

49. A class action is superior to other available methods for the fair and efficient adjudication of this controversy.

COUNT I

**For Violation of §10(b) of the 1934 Act and Rule 10b-5
Against All Defendants**

50. Plaintiff incorporates ¶¶1-49 by reference.

51. During the Class Period, defendants disseminated or approved the false statements specified above, which they knew or deliberately disregarded were misleading in that they contained misrepresentations and failed to disclose material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading.

52. Defendants violated §10(b) of the 1934 Act and Rule 10b-5 in that they:

(a) employed devices, schemes and artifices to defraud;

(b) made untrue statements of material facts or omitted to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or

(c) engaged in acts, practices and a course of business that operated as a fraud or deceit upon plaintiff and others similarly situated in connection with their purchases of HP common stock during the Class Period.

53. Plaintiff and the Class have suffered damages in that, in reliance on the integrity of the market, they paid artificially inflated prices for HP common stock. Plaintiff and the Class would not have purchased HP common stock at the prices they

1 paid, or at all, if they had been aware that the market price had been artificially and
2 falsely inflated by defendants' misleading statements.

3 **COUNT II**

4 **For Violation of §20(a) of the 1934 Act
Against All Defendants**

5 54. Plaintiff incorporates ¶¶1-53 by reference.

6 55. The Individual Defendants acted as controlling persons of HP within the
7 meaning of §20(a) of the 1934 Act. By virtue of their positions with the Company,
8 and ownership of HP stock, the Individual Defendants had the power and authority to
9 cause HP to engage in the wrongful conduct complained of herein. HP controlled the
10 Individual Defendants and all of its employees. By reason of such conduct,
11 defendants are liable pursuant to §20(a) of the 1934 Act.

12 **PRAYER FOR RELIEF**

13 WHEREFORE, plaintiff prays for judgment as follows:

14 A. Declaring this action to be a proper class action pursuant to Fed. R. Civ.
15 P. 23;

16 B. Awarding plaintiff and the members of the Class damages, including
17 interest;

18 C. Awarding plaintiff reasonable costs and attorneys' fees; and

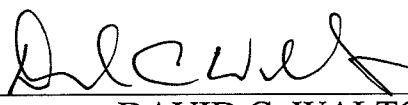
19 D. Awarding such equitable/injunctive or other relief as the Court may deem
20 just and proper.

21 **JURY DEMAND**

22 Plaintiff demands a trial by jury.

23 DATED: September 13, 2011

24 ROBBINS GELLER RUDMAN
& DOWD LLP
25 DARREN J. ROBBINS
DAVID C. WALTON
CATHERINE J. KOWALEWSKI

26 
27
28

DAVID C. WALTON

1
2
3
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
LAW OFFICES OF MARC S. HENZEL
MARC S. HENZEL
431 Montgomery Avenue, Suite B
Merion Station, PA 19066
Telephone: 610/660-8000
610/660-8080 (fax)

Attorneys for Plaintiff

S:\CptDraft\Securities\Cpt Hewlett-Packard.doc

**CERTIFICATION OF NAMED PLAINTIFF
PURSUANT TO FEDERAL SECURITIES LAWS**

Richard Gammel ("Plaintiff") declares:

1. Plaintiff has reviewed a complaint and authorized its filing.
2. Plaintiff did not acquire the security that is the subject of this action at the direction of plaintiff's counsel or in order to participate in this private action or any other litigation under the federal securities laws.
3. Plaintiff is willing to serve as a representative party on behalf of the class, including providing testimony at deposition and trial, if necessary.
4. Plaintiff has made the following transaction(s) during the Class Period in the securities that are the subject of this action:

Acquisitions:

Date Acquired	Number of Shares Acquired	Acquisition Price Per Share
August 17/2011	300	31.05

Sales:

Date Sold	Number of Shares Sold	Selling Price Per Share

5. Plaintiff has not sought to serve or served as a representative party in a class action that was filed under the federal securities laws within the three-year period prior to the date of this Certification except as detailed below:

6. The Plaintiff will not accept any payment for serving as a representative party on behalf of the class beyond the Plaintiff's pro rata share of any recovery, except such

reasonable costs and expenses (including lost wages) directly relating to the representation of the class as ordered or approved by the court.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 12th day of September, 2011.


RICHARD GAMMEL

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) RICHARD GAMMEL, Individually and on Behalf of All Others Similarly Situated		DEFENDANTS HEWLETT-PACKARD COMPANY, LEO APOTHEKER and CATHERINE A. LESJAK							
(b) Attorneys (Firm Name, Address and Telephone Number, If you are representing yourself, provide same.) David C. Walton (167268) Robbins Geller Rudman & Dowd LLP 655 W. Broadway, Ste. 1900, San Diego, CA 92101 619/231-1058		Attorneys (If Known)							
II. BASIS OF JURISDICTION (Place an X in one box only.)		III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)							
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	Citizen of This State	<input type="checkbox"/> PTF <input type="checkbox"/> DEF <input type="checkbox"/> 1 Incorporated or Principal Place of Business in this State <input type="checkbox"/> PTF <input type="checkbox"/> DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4						
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item II)	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5						
		Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6						
IV. ORIGIN (Place an X in one box only.)									
<input checked="" type="checkbox"/> 1 Original <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge									
V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.)		CLASS ACTION under F.R.C.P. 23: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No							
VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 15 U.S.C. §§78j(b) and 78t(a) Complaint for Violation of the Federal Securities Laws									
VII. NATURE OF SUIT (Place an X in one box only.)									
<input type="checkbox"/> OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 510 Selective Service <input checked="" type="checkbox"/> 550 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> TORTS <input type="checkbox"/> PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 363 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> IMMIGRATION <input type="checkbox"/> 420 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> PRISONER PETITIONS <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage <input type="checkbox"/> 390 Product Liability <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 447 Other Civil Rights		<input type="checkbox"/> LABOR <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 520 General <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Emp. Ret. Inc. Security Act <input type="checkbox"/> PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1995) <input type="checkbox"/> 862 Black Lung (92) <input type="checkbox"/> 863 DIWCADIW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	

SACV11-01404 AG (RNBx)

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Cook County, Illinois

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

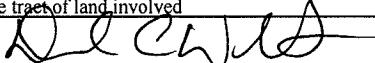
County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date September 13, 2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

Name & Address:

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RICHARD GAMMEL, Individually and on Behalf of
All Others Similarly Situated,

CASE NUMBER

SACV11-01404 AG (RNBr)

PLAINTIFF(S)

v.

HEWLETT-PACKARD COMPANY, LEO
APOTHEKER and CATHERINE A. LESJAK,

SUMMONS

DEFENDANT(S),

TO: DEFENDANT(S): _____

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, David C. Walton (167268), whose address is Robbins Geller Rudman & Dowd, 655 W. Broadway, Ste. 1900, San Diego, CA 92101. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

SEP 13 2011

Dated: _____

ROLLS ROYCE PASCHAL

By: _____

Deputy Clerk

(Seal of the Court)

1144

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3).]